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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,856	03/29/2001	Hideo Goto	205108US2	3774

22850 7590 02/22/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

JARRETT, SCOTT L

ART UNIT PAPER NUMBER

3623

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

36

Office Action Summary	Application No. 09/819,856	Applicant(s) GOTO ET AL.	
	Examiner Scott L. Jarrett	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final:
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/12/01, 5/28/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

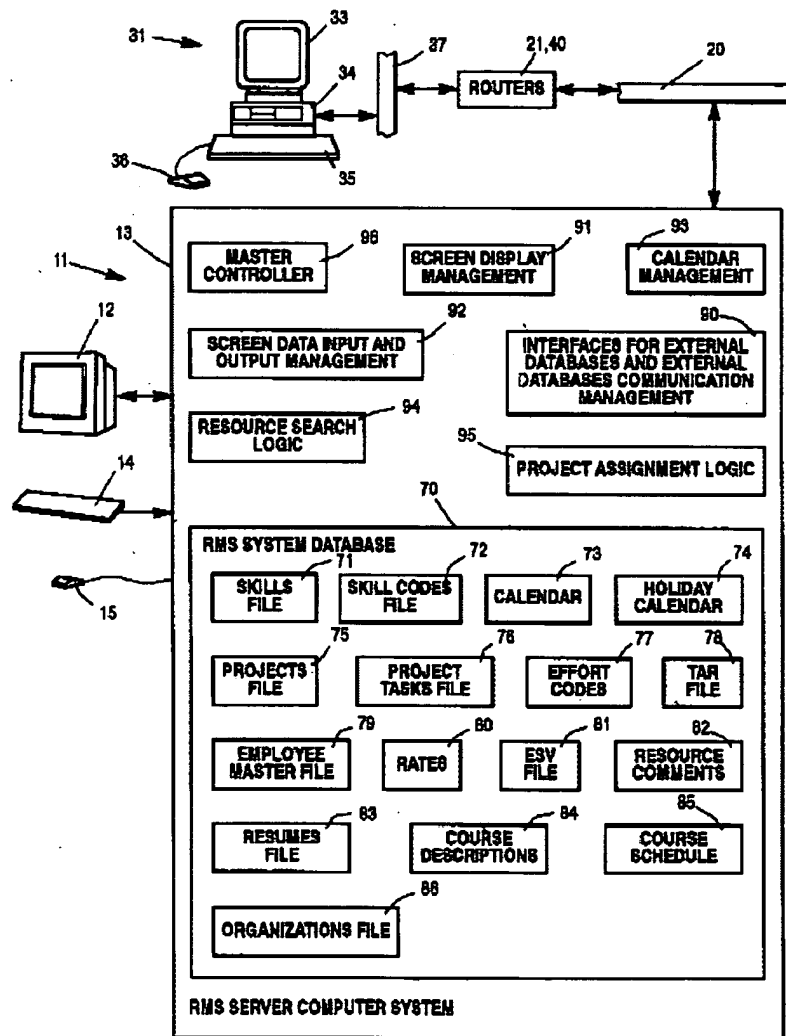
2. Claims 1, 7-8, 10-11, 17, 23, 25-26, 28 and 30-32 are rejected under 35 U.S.C. 102(3) as being anticipated by Donnelly et al., U.S. Patent No 6,049,776.

Regarding Claims 1, 10, 17, 26, 30 and 32 Donnelly et al. teach a work management system, apparatus and method for transmitting and receiving, over a network, between a plurality of user terminals (computers, PCs, etc.) comprising (Column 1, Lines 17-60; Column 2, Lines 28-60; Column 3, Lines 4-19; Column 8, Lines 1-68; Column 26, Lines 30-68; Columns 27-30; Figures 2, 9, 52 and 66 as shown below):

- receiving and storing (retaining in memory, file) a plurality of employee information (resume, skills, availability, etc.; Figure 2: Resume File, Element 83; Employee Master File, Element 79; Skills File, Element 71);
- receiving and storing a plurality of management information (projects, skill codes, tasks by project, etc.);

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- generating a work schedule (shift schedule, schedule, work shift table, time sheet, calendar, etc.) indicating the working schedule of employees (human resources, contractors, etc.) based on the employee and management information; and
- sending (transmitting) the generated work schedule information to a plurality of users over a network.

**Figure 2a****Figure 2****Fig. 2a****Fig. 2b**

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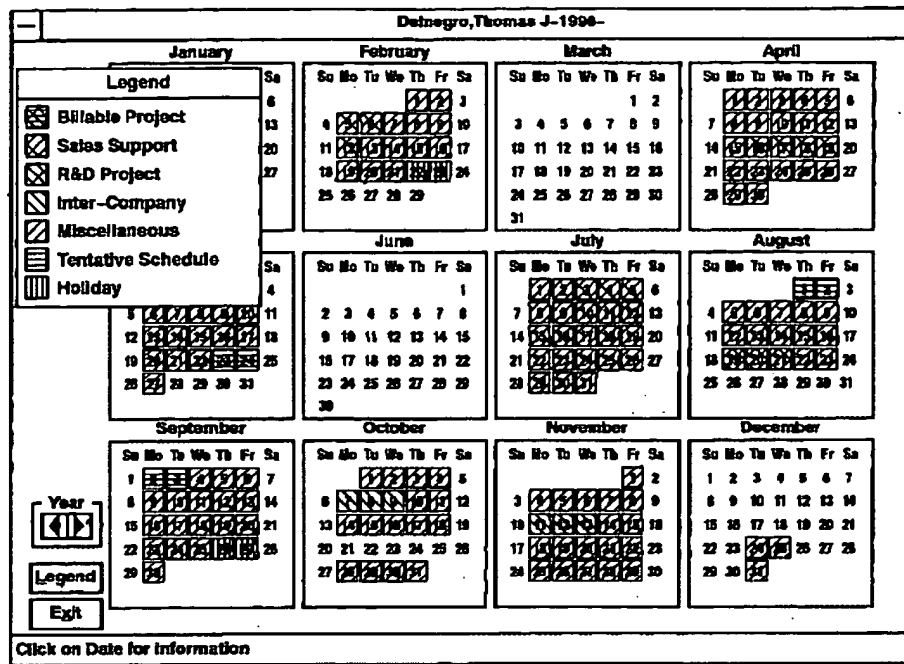


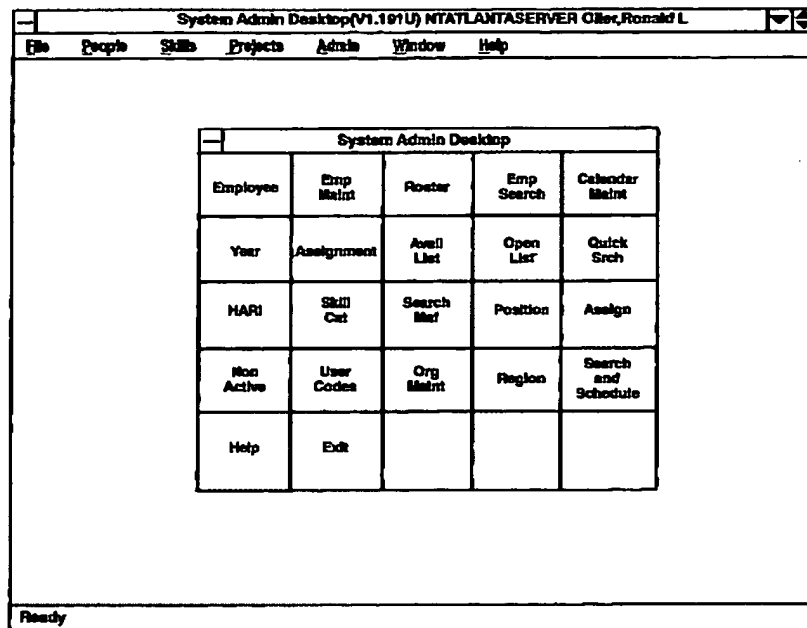
Figure 9

Figure 2: Donnelley et al. Figure 9

Figure 52

Figure 3: Donnelley et al. Figure 52

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**Figure 66****Figure 4: Donnelly et al. Figure 66**

Regarding Claims 7, 11, 23, 27 and 31 Donnelly et al. teach a work management system (apparatus) further comprising (Columns 8-9; Figures 1 and 2):

- a display unity (monitor, CRT, projector, etc.) for accepting input information from a plurality of sources;
- an instruction input unit (keyboard, mouse, etc.); and
- further wherein the system accepts input through the screen; and
- stores a plurality of information including but not limited to employee and management information.

Regarding Claims 8, 25 and 28 Donnelly et al. teach that the work management system further comprises a mail server connected to a network (office communication systems, Microsoft Mail); and further wherein the system (apparatus) and user terminals

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(computers, PC, etc.) send/receive electronic mail thereby exchanging information over the network (Column 9, Lines 50-69; Figure 2, Element 22).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 5-9, 12-16, 18-22, 24-25 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al., U.S. Patent No 6,049,776 as applied to claims 1, 7-8, 10-11, 17, 23, 25-26, 28 and 30-32 above and further in view of Thompson et al., U.S. Patent No. 6,334,133.

Regarding Claims 2, 12 and 18 Donnelly et al. teach a work management system wherein (Column 17, Lines 12-25; Figures 16 and 30):

- users can cancel (delete) work schedules (calendar entries);
 - the cancellation of the calendar entry results in the entry being made inactive
- and;
- if the calendar event is deleted by someone other than the employee the system provides notification of the change in schedule.

Donnelley et al. further teach that the work management system enables users to conduct resource searches and assignments utilizing a plurality of information about the

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employee, position, work, skills required, duration of project, time constraints, locations, schedules, etc. (recruitment information) and that this information is searched both internally and externally (External Service Vendors, contracting firms, etc.).

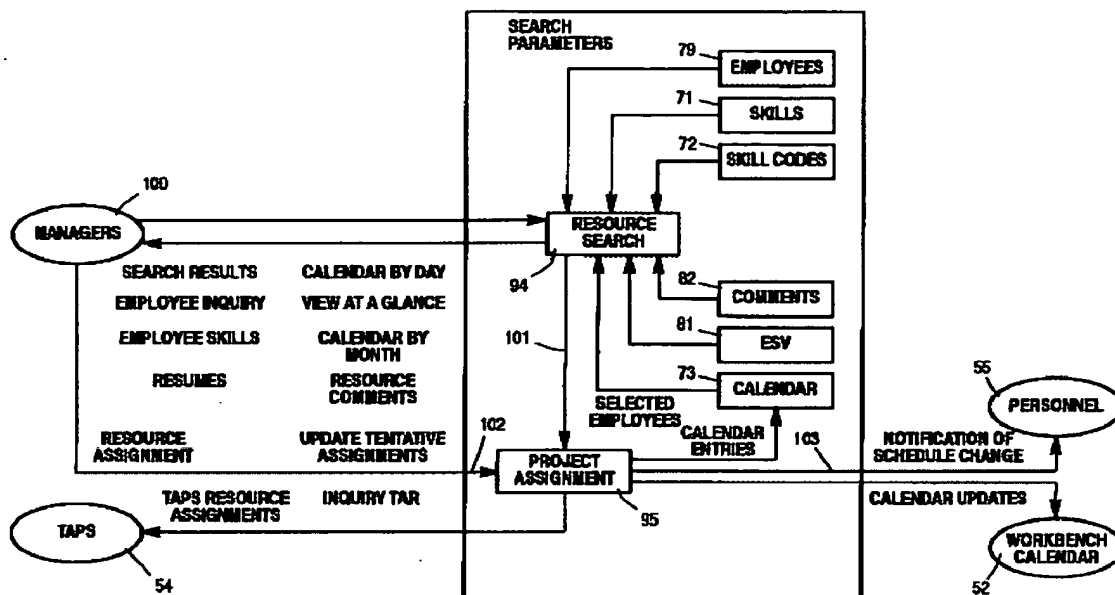


Figure 3

Figure 5: Donnelley et al. Figure 3

Donnelly et al. does not expressly teach that upon cancellation of a user activity that recruitment information is generated or sent.

Thompson et al. teach a work management system wherein (Column 9, Lines 1-68; Column 10, Lines 1-45):

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- a plurality of employees notify the system through a plurality of means (communication channels) of their inability to work a work schedule (cancellation information, absence);
- upon receipt of this cancellation information the system generates recruitment (potential replacements, substitute, alternative, etc.) information for recruiting (identifying, hiring, placing, utilizing, assigning, etc.) a substitute employee who can work in the canceled time slot (work schedule);
- the system then contacts, through a plurality of communication channels, a plurality of substitute employees (potential replacements) until a substitute accepts the assignment; and
- the system then sends (transmits, relays) over a network a plurality of information to the business (organization) and the replacement worker.

Thompson et al. further teach that the work management system (Abstract; Column 1, Lines 5-16; Column 4, Lines 35-68; Column 8, Lines 1-68; Column 9, Lines 1-60; Figure 1; Figure 2 as shown below):

- receives and stores a plurality of employee (substitute, worker, resource, etc.) information including educational background, certificates, availability, and the like (Column 7, Lines 33-40; Column 8, Lines 20-65; Figures 3-10);
- receives and store a plurality of management information (Column 7, Lines 30-55; Column 8, Lines 15-63; Figures 3-10);
- generates a work schedule indicating the working schedule of employees based on the employee and management information; and

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- sends the generated work schedule information to a plurality of users over a network (Column 9, Lines 1-68; Column 10, Lines 1-20).

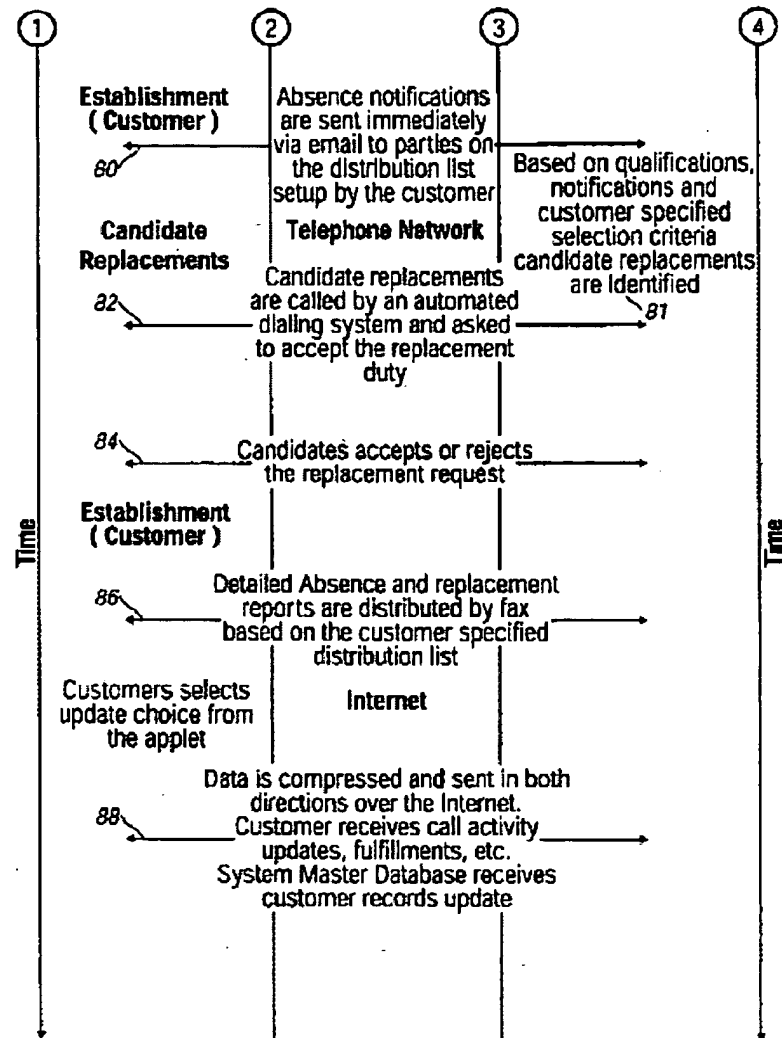


FIG. 2 (2 of 2)

Figure 6: Thompson et al. Figure 2

It would have been obvious to one skilled in the art at the time of the invention that the work management system as taught by Donnelley et al., including its resource search and assignment functionality as well as its ability to notify a user of the

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cancellation of a scheduled task, would have benefited from automatically searching and assigning a substitute employee upon the receipt of the cancellation information in view of the teachings of Thompson et al.; the resultant system eliminating the manual step of starting a resource search and assignment upon the receipt of a schedule change notification.

Regarding Claims 3, 13 and 19 Donnelly et al. teach that the work management system wherein (Column 17, Lines 12-25; Figures 16 and 30):

- users can cancel (delete) work schedules (calendar entries, schedule conflict);
 - the cancellation of the calendar entry results in the entry being made inactive
- and;
- if the calendar event is deleted by someone other than the employee the system provides notification of the change in schedule.

Donnelley et al. further teach that the work management system enables users to conduct resource searches and assignments utilizing a plurality of information as discussed above. Donnelley et al. further teach the addition of new employees (hiring) as part of the resource search and assignment functionality (Column 22, Lines 38-68; Column 26, Lines 28-68; Columns 27-31; Figures 53-55; 59-61; 65) wherein a plurality of hiring information (location, skills required, grade level, search criteria, etc.) is utilized to identify, by searching both internally and externally over a network available resource information, a suitable resource for the work.

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Donnelley et al. does not expressly teach that the system generates hiring information upon the receipt of cancellation information.

Thompson et al. teaches a work management system wherein upon the receipt of cancellation information the system generates replacement (substitute) information, identifies and contacts potential substitutes based on the replacing information and then upon acceptance of the work schedule sends a plurality of communications (information) over a network to a plurality of users as discussed above.

Thompson et al. does not expressly teach that the cancellation information is used to hire an additional employee.

It would have been obvious to one skilled in the art at the time of the invention that the work management system as taught by Donnelley et al., including its resource search and assignment functionality, its ability to add new employees and its ability to notify a user of the cancellation of a scheduled task, would have benefited from automatically searching for and assigning a new employee utilizing its connectivity to external services vendors upon the receipt of cancellation information in view of the teachings of Thompson et al.; the resultant system eliminating the manual step of starting a resource search and assignment upon the receipt of cancellation information.

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Regarding Claims 4, 14 and 20 Donnelly et al. a work management system wherein (Column 10, Lines 9-22; Column 11, Lines 41-49; Column 12, Lines 56-65; Column 14, Lines 38-44; Column 22, Lines 53-64; Column 25, Lines 43-55; Figure 46 as shown below):

- generates format information for defining a format of a resume (curriculum vitae, CV, profile, resume file, etc.);
- sends the format information with the hiring information to the user;
- extracts portion of the employee (contractor, human resource, etc.) information from the resume (extracted from external databases; Column 14, Lines 27-36); and
- stores the extracted portion of the employee information (Skills File, Element 71; Resume File, Element 83; HARI Database, Element 51).

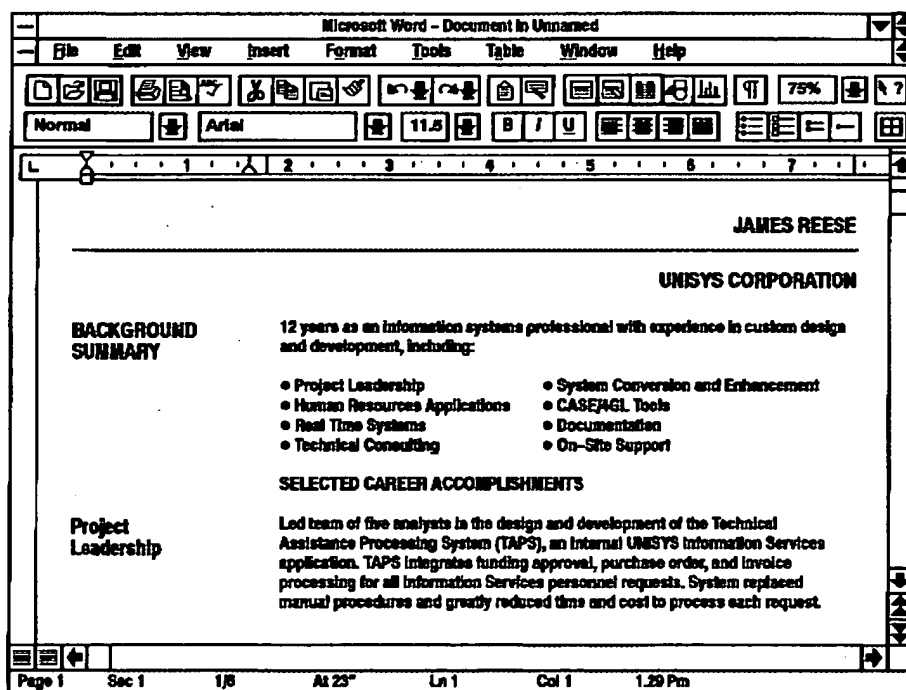


Figure 46

Figure 7: Donnelly et al. Figure 46

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Regarding Claims 5, 15 and 21 Donnelly et al. teach a work management system wherein (Column 12, Lines 42-68; Column 13, Lines 1-34; Column 14, Lines 55-68; Column 15, Lines 1-68; Figures 3, 4, 8 and 12-13):

- a plurality of users make available (provide, transmit) a plurality of information including but not limited to their schedule (calendar, holidays, work hours, etc.), skills, resume, location, project assignments, and the like;
- users can add or update scheduled work events, tasks, calendar entries, assignments and the like based on the plurality of information provided by users (resource search and assignment, calendar, availability, location, etc);
- events (assignments, entries) can be made tentative and require action by the assigned user; and
- upon receipt of the new or updated work events, schedules, tasks etc. the system updates, stores and makes the calendar (work schedule, work shift table) available to users of the system.

Donnelley et al. does not expressly teach that users explicitly accept working time schedules.

Thompson et al. teach that the work management system explicitly requires users (substitute, replacement) to accept the work schedule (assignment) and that once accepted this information is stored (saved) and sent to a plurality of users over a network.

It would have been obvious to one skilled in the art at the time of the invention that the work management system as taught by Donnelley et al., including its ability to provide detailed information regarding the accepted conditions (times, skills, etc.) the resource is available (willing) to work, would have benefited from requiring users to accept working time schedules prior to generating the working shift information (updating calendar); the resultant system ensuring the schedule reflects only those working schedules (assignments, tasks, projects, etc.) that the user has accepted and is willing to perform.

Regarding Claims 6, 16 and 22 Donnelly et al. teach a work management system that sends (transmits) shift information over a network to user terminals (Columns 8-9; Column 13, Lines 1-34; Figures 1 and 2).

Regarding Claims 9, 24 and 29 Donnelly et al. teach that the work management system further comprises a plurality of components (modules, sub-systems) and technologies including but not limited to a local area network (LAN) supporting Novell and TCP/IP network protocols, Netblazer enabling remote users to connect to the system, Oracle databases and Microsoft Windows NT (Column 8, Lines 1-68; Column 9, Lines 1-30; Figures 1 and 2).

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Donnelly et al. does not expressly teach that the work management system comprises a web server and/or the subsequent use of HyperText Transfer Protocol (HTTP).

Thompson et al. teach a work management system comprising a Web (Internet) server (Figure 1, Element 36) connected a network; and further wherein the system (apparatus) sends (makes available) a plurality of information including but not limited to work schedule information to the Web server (a software application that uses the HyperText Transfer Protocol to enable access to Web pages and other content) enabling it to be access on the Web (Internet, Intranet, Extranet; Column 4, Lines 35-68; Column 5, Lines 1-25; Column 6, Lines 3-40; Column 10, Lines 30-40; Figure 1).

It would have been obvious to one skilled in the art at the time of the invention that the work management system as taught by Donnelley et al. would have benefited from the utilization of a Web server in view of the teachings of Thompson et al.; the resultant system providing a convenient means for through which users of the system could interact with the system.

Examiner Note

Examiner has cited particular sections, pages, and paragraphs or figures in the references applied to the claims for the convenience of the applicant. Although the specific citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Fields et al., U.S. Patent No. 5,111,391, teach a work management system for generating work schedules based on management and employee (workers) information over a network.

- Sisley et al., U.S. Patent No. 5,467,268, teach a work management system for assigning and scheduling resources based on employee and management information.

- Barnwell et al., U.S. Patent No. 5,634,055, teach a work management system for creating work schedules based on employee information (preferences) and management information.

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- Sisley et al., U.S. Patent No. 5,943,652, teach a work management system for assigning and scheduling resources based on employee and management information.

- Dean et al., U.S. Patent No. 6,167,379, teach a scheduling system wherein users accept or decline scheduled events.

- Kida, Koji, U.S. Patent No. 5,907, 829, teaches a work management system wherein a work schedule is generated based on negotiated conditions with employees (workers).

- Puram et al., U.S. Patent No. 6,289,340, teach a work management system wherein workers (employees, contractors) are selected to fill a position based on a plurality of employee and management information.

- Dietz et al., U.S. Patent No. 6,408,337, teach a work management system wherein the assignment (engagement) of non-employee workers is managed from the initial contractual relationship to the evaluation of the work performed. Dietz et al. further teach that the workers must approve/accept assignments.

- Brodersen et al., U.S. Patent No. 6,850,895, teach a work management system wherein workers are matched to business needs and based on a plurality of information (employee, management, rules, etc.) are assigned to the work.

- Rasansky et al., U.S. Patent No. 5,960,406, teach an Internet-based scheduling and notification system comprising a Web server, a standard page markup syntax schedule and communications server (electronic mail). Rasansky et al. further teach that schedules (appointments, events) can be accepted (confirmed).

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- Bucci et al., U.S. Patent No. 6,823,315, teach a work management system wherein a work schedule is generated based on a plurality of employee and management information.

- Thompson et al., U.S. Patent No. 6,334,133, teach a work management system, wherein upon receipt of a cancellation the system stores a plurality of management and employee information including but not limited to resource resumes, identifies a plurality of substitute resources, contacts the substitute resources and upon acceptance of the work schedule confirms the assignment (work schedule) with the resource and the system. Thompson et al. further teach that the work management system further comprises the a plurality of databases for storing (retaining) information related to the work schedule management, provides an Internet based interface (GUI), transmits notifications of schedules and a plurality of other schedule related information.

- Stipanovich et al., U.S. Patent No. 5,117,353, teach a work management system wherein a plurality of employee and management information is utilized to generate work schedules over a network. Stipanovich et al. further teach that the work management system enables employees (temporary workers) to accept/reject work schedules and that upon rejection (cancellation) the system identifies another suitable resource.

- O'Brien, Kenneth, U.S. Patent No. 6,587,831, teaches a work management system wherein a plurality of rules and information (employee and management information) are utilized to generate work schedules (work shift schedules) for a plurality of users over a network. O'Brien further teaches that the system is

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available over the Internet and includes a plurality of notifications. O'Brien teaches that the work management system enables employees to manage (cancel) their work schedule through a plurality of means including but not limited to leave requests, shift swaps, and shift change requests.

- Crockett, Gary B., U.S. Patent No. 5,325,292, teaches a work management system wherein work schedules are generated based on a plurality of employee and management information over a network.

- Honma et al., U.S. Patent No. 5,343,387, teach a work management system wherein work schedules are generated based on a plurality of management and employee information.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (703) 306-5679. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJ
2/17/2005



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600